IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6735 OF 2004

Mrs. Gayatri Harinarayanji Khandelwal. .. Petitioner

V/s.

Mr. Bhupatbhi Lalji Thakkar & Ors. .. Respondents.

Mr. D.S.Sawant with R.P. Walvekar & R.B.Baban, Advocate for Petitioner.

Mr.A.A.Kumbhakoni, with Mr.S.R.Gupta, advocate for Respondent Nos. 1 to 4.

CORAM: D.G.KARNIK,J.

DATE : 23RD AUGUST, 2004.

P.C. :

1. Heard the learned counsel for the Petitioner. Trial Court as well as the Appellate Court concurrently held that the suit premises are not used for a period of 6 months immediately proceeding suit for the purpose for which they let out without sufficient cause. This being finding of the fact, I am not inclined to interfere in the concurrent findings of both the courts. One more reason why I am not inclined to interfere is: The original tenant died in the year 1976, thereafter his tenancy was

inherited by his widow, the original defendant No.1. Defendant No.1 also died and the defendant No.2 who is the married daughter is pursuing this petition. Daughter is married and living at Kalbadevi since 1993 with her husband. Therefore, she also does not need the suit premises. There is no other heir. In the circumstances, this is not a fit case to exercise the writ jurisdiction under Article 226 of the Constitution of India. Petition is rejected.

(D.G.KARNIK,J)